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**PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Application of:)	
)	Case No. 1D 2007 65023
)	
Megan Gibson)	Order Granting Initial Probationary License
)	
Applicant)	
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- 1) Megan Gibson is a 2006 graduate of Sonoma College, Petaluma, California. The applicant first filed her Physical Therapist Assistant application on or about March 2, 2007 in the State of California.

- 2) In April 2007, Ms. Gibson submitted an application for Physical Therapist Assistant licensure to the Physical Therapy Board of California. Question #15 of the application asks: "Have you ever been convicted of, or plead nolo contendere to, any offense in any state in the United States or a foreign country?" Ms. Gibson disclosed criminal history and signed her application on February 13, 2007, certifying under penalty of perjury under the laws of the State of California that the information contained in the application were true and correct.

- 3) On or about July 1, 2004, Ms. Gibson was arrested and charged on four counts: 1) manufacturing a controlled substance other than PCP, 2) possession of marijuana for sale, 3) cultivating marijuana, and 4) possession of concentrated cannabis. Court records reveal the final disposition of this case: Ms. Gibson was convicted of one count, misdemeanor possession of concentrated cannabis. She was sentenced to pay a fine of \$500.00, which she paid in full. Ms. Gibson was given a suspended 18 month probation to end September 17, 2006 as long as she complies with terms during probation, which she did.

JURISDICTION

- 4) Section 480 (a) of the Business and Professions Code states that a board may deny a license regulated by this code on the grounds that the applicant has one of the following: (1) Been convicted of a crime...; or (3) Done any act which if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license... The above findings support a conclusion that grounds for denial exist pursuant to Sections 480 (a)(1) and (3).

- 5) Section 2237 (a) of the Business and Professions Code states the conviction of a charge of violating any federal statutes or regulations or any statute or regulation of this

state, regulating dangerous drugs or controlled substances, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

6) Section 2660(i) of the Business and Professions Code states, the Board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, impose probationary conditions upon any license, certificate or approval issued under this chapter conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act.

7) Section 2660.2 of the Business and Professions Code, the Board may refuse a license to any applicant guilty of unprofessional conduct; or as an alternative, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct but has met all the requirements for licensure.

ORDER

IT IS ORDERED THAT licensure as a Physical Therapist Assistant is hereby issued to Megan Gibson subject to the following terms and conditions for a period of two (2) years.

1. PROBATION The applicant shall be placed on probation for a period of two years.
2. OBEY ALL LAWS Applicant shall obey all federal, state and local laws, and statutes and regulations governing the practice, inspections and reporting, of physical therapy in California and remain in full compliance with any court ordered criminal probation.
3. COMPLIANCE WITH ORDERS OF A COURT The Applicant shall be in compliance with any valid order of a court. Being found in contempt of any court order is a violation of probation.
4. COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF RESTITUTION Applicant shall not violate any terms and conditions of criminal probation and shall be in compliance with any restitution ordered, payments, and other orders.
5. QUARTERLY REPORTS Applicant shall submit quarterly reports under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all conditions of probation.
6. PROBATION MONITORING PROGRAM COMPLIANCE Applicant shall comply with the Board's probation monitoring program.
7. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Applicant shall appear in person for interviews with the Board, or its designee, upon request at various intervals.
8. NOTIFICATION OF PROBATIONER STATUS TO EMPLOYERS The applicant shall notify all present or future employers of the reason for and the terms and conditions of the probation by providing a copy of this order to the

- employers, and submit written employer confirmation of receipt to the board within 10 days. The notification(s) shall include the name, address and phone number of the employer, and, if different, the name, address and phone number of the work location.
9. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The applicant shall notify the Board, in writing, of any and all of name and/or address changes within ten days.
 10. PROHIBITED USE OF ALIASES The applicant shall not use aliases and shall be prohibited from using any name which is not his/her legally recognized name or based upon a legal change of name.
 11. INTERMITTENT WORK If the applicant works less than 192 hours as a physical therapist assistant in the physical therapy profession in a period of three months, those months shall not be counted toward satisfaction of the probationary period. The applicant shall notify the Board if she works less than 192 hours in a three-month period.
 12. TOLLING OF PROBATION The period of probation shall run only during the time the applicant is practicing or performing physical therapy within California. If, during probation, the applicant does not practice or perform within California, the applicant is required to immediately notify the probation monitor in writing of the date that the applicant is practicing or performing physical therapy out of state, and the date of return, if any. Practicing or performing physical therapy by the applicant in California prior to notification of the Board of the applicant's return will not be credited towards completion of probation. Any order for the payment of cost recovery shall remain in effect whether or not probation is tolled.
 13. VIOLATION OF PROBATION If the applicant violates probation in any respect, the Board, after giving the applicant notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against the applicant during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.
 14. REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT, HEALTH, OR OTHER REASONS Following the effective date of this probation, if applicant ceases performing as a physical therapist assistant due to retirement, health or other reasons or is otherwise unable to satisfy the terms and conditions of probation, applicant may request to surrender his/her license to the Board. The Board reserves the right to evaluate the applicant's request and to exercise its discretion whether to grant the request, or to take any other actions deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer renewable; the Applicant makes application for the renewal of the tendered license or makes application for a new license.
 15. COMPLETION OF PROBATION Upon successful completion of probation, license shall be fully restored.
 16. PERFORMANCE AS A PHYSICAL THERAPIST ASSISTANT WHILE ON PROBATION It is not contrary to the public interest for the applicant to perform physical therapy under the probationary conditions specified in the disciplinary

order. Accordingly, it is not the intent of the Board that this order, the fact that the applicant has been disciplined or that the applicant is on probation, shall be used as the sole basis for any third party payor to remove applicant from any list of approved providers.

17. PROBATION MONITORING COSTS Applicant shall reimburse all costs incurred by the Board for probation monitoring during the entire period of probation. Applicant will be billed at least quarterly. Such costs shall be made payable to the Physical Therapy Board of California. Failure to make ordered reimbursement within 60 days of the billing shall constitute a violation of the probation order.
18. RESTRICTION OF PRACTICE – TEMPORARY SERVICES AGENCIES The applicant shall not work for a temporary services agency or registry.
19. RESTRICTION OF PRACTICE-HOME CARE Applicant shall not provide physical therapy services in a patient's home.
20. RESTRICTION OF PRACTICE-PROHIBITION OF SELF EMPLOYMENT OR OWNERSHIP Applicant shall not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Applicant shall not be a board member or an officer or have a majority interest in any corporation that offers or provides physical therapy services.
21. RESTRICTION OF PRACTICE-ADMINISTRATION OR POSSESSION OF CONTROLLED SUBSTANCES Applicant shall not administer or possess any controlled substances as defined in the California Uniform Controlled Substances Act. This prohibition does not apply to medications lawfully prescribed to licensee for a bona fide illness or condition by a practitioner license to prescribe such medications.
22. PROHIBITION OF POSSESSION OR USE OF CONTROLLED SUBSTANCES Applicant shall abstain completely from the personal use or possession of controlled substances as defined by Section 4211 of the Business and Professions Code, or any drugs requiring prescriptions. This prohibition does not apply to medications lawfully prescribed to applicant for a bona fide illness or condition by a practitioner licensed to prescribe such medications. Failure to comply with any component of this condition as specified above is a violation of probation.

THIS DECISION SHALL BECOME EFFECTIVE ON November 30, 2007.

IT IS SO ORDERED November 1, 2007.

Original Signed By: _____
Steven K. Hartzell, Executive Officer
Physical Therapy Board of California